

UNITED STATES DISTRICT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

CARLOS PHILLIPS,

)

)

PLAINTIFF,

)

)

Case No. 23-1486

v.

)

)

CITY OF ST. LOUIS, et al,

)

Jury Trial Demanded

)

DEFENDANTS,

)

NOTICE OF REMOVAL TO FEDERAL COURT

Defendant City of St. Louis (“City”) notifies this Court of the removal of *Phillips v. Drago, et al*, Cause No. 2322-CC07108, from the 22nd Judicial Circuit of Missouri, to the United States District Court for the Eastern District of Missouri. As grounds for the removal, Defendant states:

1. On September 15, 2023, Plaintiff Carlos Phillips (“Plaintiff”) filed his petition against Defendants City of St. Louis and Officer Ryan Drago in the 22nd Judicial Circuit of Missouri in *Phillips v. Drago, et al*, Cause No. 2322-CC07108. (Exhibit 1)
2. The petition includes multiple claims asserted under 42 U.S.C. § 1983. (Exhibit 1, pp.17-24).
3. On October 10, 2023, defendant Ryan Drago was served with this lawsuit. Exhibit 1, p 1)
4. As of the date of this filing, the City of St. Louis has not yet been served with a summons and complaint.
5. An attorney for the City of St. Louis initially entered her appearance on behalf of the City on October 24, 2023, providing the City notice of the claims against it. (Exhibit 1, p.31)

6. Because of the federal claims in the petition are those over which the United States District Court has original jurisdiction under 28 U.S.C. § 1331, removal is proper.

7. Pursuant to Local Rule 2.03 a copy of all process, pleadings, orders, and other documents are attached as Exhibit 1.¹

8. Venue is proper in this District under 28 U.S.C. § 1441(a), because this District and Division embrace the place in which the removed action has been pending.

9. City concurrently submits the filing fee in the amount of \$402.00 and the proof of filing the notice of removal with the Clerk of the State court.

10. The Civil Cover Sheet is attached as Exhibit 3.

11. The Original Filing Form is attached as Exhibit 4.

12. The Notice of Removal to the Circuit Court of the City of St. Louis is attached as Exhibit 5.

13. All Defendants consent to this removal.

14. By filing this notice, the City admits none of the allegations made by Plaintiff, nor does it waive the right to assert any and all defenses.

¹ Defendant Drago filed his answer on November 16, 2023. That answer has not yet been accepted by Case.net, so the answer and the confirmation of filing have been attached as Exhibit 2.

WHEREFORE, Defendant City of St. Louis petitions this Court for removal of *Phillips v. Drago, et al.*, Cause No., 2322-CC2322-CC07108 from the 22nd Judicial Circuit Court of Missouri, to this Court for all further proceedings.

Respectfully Submitted,

**SHEENA HAMILTON,
CITY COUNSELOR**

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